

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Chapter: 13
Case No.: 07-63184
Judge: Tucker

Peters, Thomas

Debtor(s)

/

DEBTOR'S POST CONFIRMATION PLAN MODIFICATION

Debtor, through counsel, Hammerschmidt, Stickradt & Associates, pursuant to F.R.Bankr.P.3015(g), summarizes the proposed modification as follows:

1. Debtor filed Chapter 13 bankruptcy on November 14, 2007.
2. Debtor's Chapter 13 plan was confirmed on March 18, 2008.
3. The Debtor's case was confirmed for 60 months with a 45% repayment to Class Eight general unsecured creditors.
4. Since the confirmation of the Chapter 13 Plan Debtor filed his 2011 Federal Tax Refund and was entitled to receive a refund in the amount of \$962.00 (See attached Exhibit A – 2011 Tax Return)
5. Debtor used the 2011 Tax Refunds to pay for his property taxes owed to Branch County in the amount of \$1109.90. (See attached Exhibit B – 2011 Property Tax Bill from Branch County)
6. Debtor is requesting the excusal of the remittance of his 2011 Federal Income Tax Refund to pay his Delinquent Property Tax Bill from Branch County.,
7. The excusal of his 2011 Tax Refund will result in the Class Eight General Unsecured Creditors receiving 85% of their duly filed claims instead of the 94% which the case is presently running. Classes One, Two, Three, Four, Five, Six and Seven will not be affected as there are no creditors in these classes.
8. In all other respects, the Order Confirming Plan referred to above shall remain in full force and effect.

Wherefore, debtor requests that this court allow:

1. Him to excuse remittance of his 2011 Federal Tax Refund.

Dated: December 4, 2012

/s/ Marguerite Hammerschmidt
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

In Re:

Peters, Thomas

Debtor(s)

Chapter: 13
Case No.: 07-63184
Judge: Tucker

NOTICE OF PLAN MODIFICATION

Debtors, through counsel, Hammerschmidt, Stickradt & Associates, pursuant to LBR 3015-2, and F.R.Bankr.P.3015 (g) states:

Debtor has filed a proposed plan modification with the court requesting that:

1. He be excused from remitting his 2011 Federal Tax Refund to the Chapter 13 plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you don't have an attorney, you may wish to consult one.)

If you do not want the court to modify plan as proposed, or if you want the court to consider your views on the request. Within 21 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:
United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Hammerschmidt, Stickradt & Associates, 117 W. Fourth St., Suite 201, Royal Oak, MI 48067

Trustee: Tammy Terry, 535 Griswold, Suite 2100, Detroit, MI 48226;

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the request shall become effective.

A response or answer must comply with F.R.Civ. P.8 (b), (c), and (e).

Dated: December 4, 2012

/s/ Marguerite Hammerschmidt

Marguerite A. Hammerschmidt (P53908)
Attorneys for Debtor
117 W. Fourth St., Suite 201
Royal Oak, MI 48067
(248) 988-8335

United States Bankruptcy Court
Eastern District of Michigan

In re:
Peters, Thomas
Debtor.

Hon; Tucker
Case No. 07-63184
Chapter 13

Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed chapter 13 plan modification is 21 days after service.

If no timely objection is filed, the proponent of the plan modification may file a certificate of no objection and the modified plan will then become effective.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

Hammerschmidt, Stickradt & Associates, 117 W. Fourth St., Suite 201, Royal Oak,
MI 48067

Tammy L. Terry, 535 Griswold, Suite 2100, Detroit, MI 48226

/s/ Marguerite Hammerschmidt
Marguerite Hammerschmidt P53908
Attorney for Debtors
117 W. Fourth St., Suite 201
Royal Oak, MI 48067
(248) 988-8335

Dated: December 4, 2012

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Chapter: 13
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Debtor.

PROOF OF SERVICE

On the 4th day of December 2012, a copy of the Notice of Plan Modification, Summary of Proposed Modification, Proposed Worksheet (Exhibit A), Proposed Liquidation Analysis (Exhibit B), Plan Calc II (Exhibit C), 2011 Federal Tax Return, Delinquent Tax Bill from Branch County and this Proof of Service were mailed by first class service by placing in a United States Mailbox in the City of Southfield to the following:

U.S. Trustee, 211 West Fort Street, Suite 700, Detroit, MI 48226;

Tammy Terry, 535 Griswold, Suite 2100, Detroit, MI 48226;

All Creditors on the Attached Court Matrix;

/s/ Amy Ruby

Amy Ruby, employee of

Reeds, Reeds, Hammerschmidt & Stickradt

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

In Re:

Peters, Thomas

Chapter: 13
Case No.: 07-63184
Judge: Tucker

ORDER MODIFYING DEBTOR'S CHAPTER 13 PLAN

A Notice of Proposes Modification to Chapter 13 Plan was filed and served on all parties pursuant to LBR 9014; and the Court having found that no objections were received and that the plan modifications comply with 11 USC 1325 and 1329:

NOW THEREFORE;

IT IS ORDERED THAT Debtor is hereby excused from remitting his 2011 Federal tax Refund to the Chapter 13 Plan.

IT IS FURTHER ORDERED THAT in all other respects, the Order Confirming Plan, Entered and dated March 18, 2008, as last amended, shall remain in full force and effect.